

Episodic Generation Regulations and Policies

Hazardous Waste Advisory Committee Meeting
May 27, 2010



Presented by...



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What Is an “Episodic Generator?”



- March 24, 1986 Federal Register Notice (51 FR 10153 – 10154).
 - Clarified the regulations applicable to generators that generate differing amounts of waste from time to time.
 - Referred to these generators as “Episodic Generators.”
- Two basic points:
 - 1) “... a generator may be subjected to different standards at different times, depending upon his [or her] generation rate in a given calendar month.”
 - 2) Wastes generated at different times may be subject to different requirements while in storage on the site at the same time.

Waste Generator Category	Amount of Waste Generated Per Calendar Month		Amount of Waste Stored On-Site At Any One Time
CESQG Conditionally Exempt Small Quantity Generator	No More than 100 kilograms And No More than 1 kilogram of Acute Hazardous Waste	OR	No More than 1000 kilograms And No More than 1 kilogram of Acute Hazardous Waste
SQG Small Quantity Generator	Between 100 - 1000 kilograms And No More than 1 kilogram of Acute Hazardous Waste	OR	No More than 1000 kilograms And No More than 1 kilogram* of Acute Hazardous Waste
LQG Large Quantity Generator	1000 kilograms or More Or Greater than 1 kilogram of Acute Hazardous Waste	OR	More than 1000 kilograms Or Greater than 1 kilogram* of Acute Hazardous Waste

Wastes that Are NOT Counted When Determining Generator Status

- Wastes that are exempt from HW regulation under 40 CFR 261.4(c) – (f) or 261.6(a)(3).
- Wastes that are managed immediately upon generation only in exempt wastewater treatment units, elementary neutralization units, or totally enclosed treatment facilities (terms defined in 40 CFR 260.10)
- Hazardous wastes that are recycled, without prior storage, in exempt recycling units (40 CFR 261.6(c)).
- Residues in “empty containers” (40 CFR 261.7).
- Universal Wastes (40 CFR 273).
- Non-hazardous used oils (40 CFR 279).



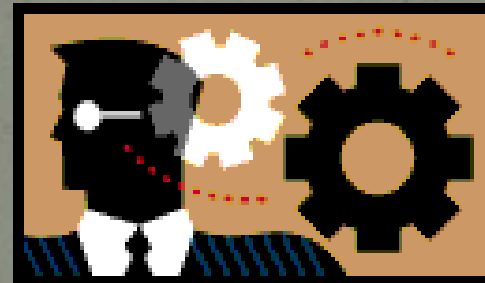
Wastes that Are NOT Counted When Determining Generator Status (Cont.)

- Spent lead-acid batteries managed under RCRA Section 22a-449(c)-106(c).
- PCB-containing wastes regulated under 40 CFR 761 that are hazardous only because they exhibit the characteristic of toxicity for waste codes D018 through D039 only (40 CFR 261.8)



Possible Episodic Generation Scenarios

- Non-handler -> CESQG
- Non-handler -> SQG
- Non-handler -> LQG
- CESQG -> SQG
- CESQG -> LQG
- SQG -> LQG



Activities that Can Cause Episodic Events

- Cleanouts of lab chemicals or chemical product inventories.
- Remediation/Spills.
- Annual shutdowns.
- Returns from customers of off-spec product.
- Process tank change-outs.
- Facility Maintenance:
 - Equipment cleanouts/maintenance.
 - Painting projects.
 - Renovation & Demolition.
 - HVAC, electrical, gas, or plumbing work.
- “Hot” load of a waste that is usually non-hazardous.



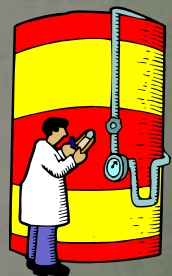
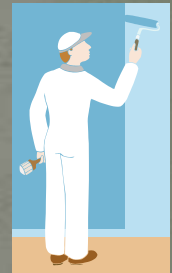
Example of Episodic Generation #1

- Company is normally an SQG.
 - Between 100 and 1000 kg per calendar month.
 - Never accumulates over 1000 kg at any one time.
 - 180-day storage time limit
- Company closes out a painting line and generates 1,500 kg of hazardous waste => LQG.
 - 90-day storage time limit.
- Remains subject to LQG rules until this waste is shipped off-site.



Example of Episodic Generation #2

- Normal generator status: non-handler.
- 50 kg of hazardous waste generated on January 1 from a lab cleanout => CESQG.
 - No storage time limit.
- 200 kg of hazardous waste generated on August 1 from a facility painting project => SQG.
 - 180-day storage time limit.
- 900 kg of hazardous waste generated on December 1 from a process tank cleaning => LQG.
 - LQG due to total accumulation > 1000 kg.
 - Only the last 900 kg needs to be managed under LQG rules. The other wastes are subject to CESQG and SQG requirements, respectively.



Overview of Requirements that Apply to Episodic Generators

- CESQGs:
 - Perform HW determinations & retain results.
 - Use transporters with an EPA ID # and a DEP transporter permit.
 - Send to a facility that is permitted to accept such waste.
 - No accumulation time limit.



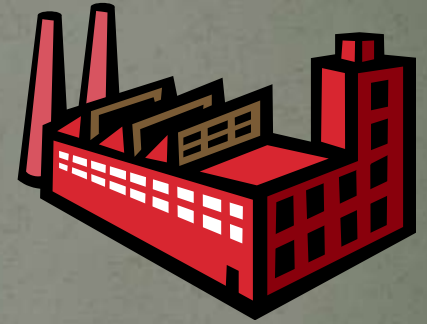
Overview of Requirements that Apply to Episodic Generators (Cont.)

- SQGs:
 - EPA ID # and manifest.
 - Container management requirements.
 - Container marking and dating requirements.
 - SQG tank requirements.
 - Preparedness and Prevention requirements.
 - Personnel Training.
 - Emergency coordinator, posting emergency information next to the on-site telephone, and emergency response procedures.
 - Pre-transport requirements.
 - Generator closure.
 - 180-day accumulation time limit.



Overview of Requirements that Apply to Episodic Generators (Cont.)

- LQGs:
 - EPA ID # and manifest.
 - Container management requirements.
 - Container marking and dating requirements.
 - Tank requirements.
 - Preparedness and Prevention requirements.
 - Personnel Training.
 - Emergency coordinator, Contingency Plan, and emergency response procedures.
 - Pre-transport requirements.
 - Biennial Report.
 - Generator closure.
 - 90-day accumulation time limit.



Overview of Requirements that Apply to Episodic Generators (Cont.)

- For further information and guidance on generator requirements, go to DEP hazardous waste main page: www.ct.gov/dep/hazardouswaste
- Select “Information for Generators” in the box on the left.
- Select the appropriate generator category to go to a web page with specific information and links.

EPA Identification Number



- EPA ID Number and manifest required for SQGs and LQGs (not required for CESQGs).
- EPA ID Number can be either:
 - Permanent EPA ID Number (use it if the site already has one).
 - Temporary EPA ID Number (use this if the site does not already have an EPA ID Number).
 - To obtain a temporary EPA ID Number, call Inga Rubecka at (860) 424-3566.
 - Will need to have: the generator information (i.e., name, site address, mailing address, phone number), type and quantity of waste, transporter name and destination facility name.

An Important Distinction.

- Requirements applicable to a particular generator at a particular point in time.
 - Non-handler
 - CESQG
 - SQG
 - LQG
 - Dictated by EPA FR Notice mentioned earlier.
- Whether or not a generator should file a Notification of HW Activity Form to DEP (EPA Form 8700-12).
 - Creates a unique EPA ID Number which is entered into DEP/EPA databases.
 - Number stays with the facility permanently.
 - Re-notification required when certain changes occur.
 - Not addressed in EPA FR Notice.



To Notify or Not to Notify?

(That is the question...)

- Generally, don't need to submit/resubmit EPA Form 8700-12 if:
 - Episodic events occur less often than annually.
 - Are the result of non-routine or unexpected events.
 - Examples: spills, remediation projects, bad product, "hot" load of non-haz waste, one-time lab or chemical cleanouts.
- Generator should file EPA Form 8700-12 if:
 - Episodic events occur once or more per year.
 - Are the result of routine or expected events.
 - Annual shutdowns, periodic equipment cleaning/maintenance, product returns.
- Some cases may need to be determined on a case-by-case basis: Inga Rubecka: (860) 424-3566.



The Unique Challenges of “Remote Sites.”

- Often no street address.
- May be difficult to assign a proper temporary EPA ID Number.
- Often no permanent personnel or facilities for storage.
- Compliance with many generator requirements may be difficult.
- HW regulations do not allow:
 - Transportation of HW w/o a permit.
 - Receipt of HW from off-site w/o a permit.
- If you encounter a situation like this, contact DEP for assistance.
- Possible reg changes in the future to address this situation.

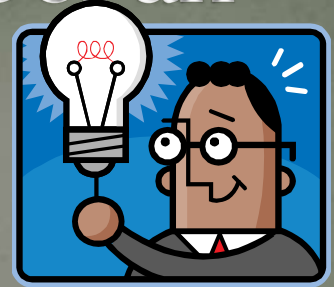


The Law of Unintended Consequences



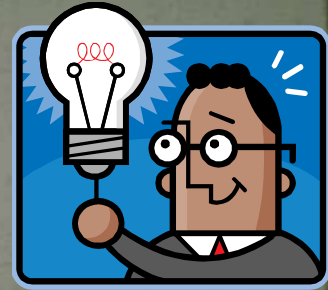
- Possible effects of episodic events:
 - Compliance with HW requirements.
 - Generator closure requirements (LQGs and SQGs only).
 - Potential Superfund liability for wastes shipped off-site.
 - Property Transfer Act.
 - Applies to any property at which was generated more than 100 kg of HW in any calendar month since 11/19/1980.
 - Some exemptions:
 - Wastes resulting from the remediation of “polluted soil, groundwater or sediment.”
 - Facilities that would trigger the 100 kg threshold due to the generation of Universal Waste.
- The above underscores the importance of exercising care with episodic events.

Ways to Minimize the Impact of an Episodic Event.



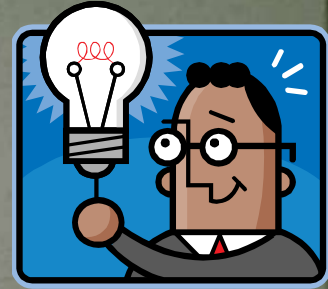
- Plan ahead!
 - Think about waste management issues when planning events that may generate HW.
 - Have any required plans/documents prepared in advance of an anticipated episodic event.
- Waste Minimization:
 - Avoid activities/materials that may result in an episodic event. For example:
 - Substitute a hazardous product for a non-hazardous one to prevent a simple spill from turning into an episodic event.
 - Use latex paint instead of oil-based paint in a facility repainting project to avoid generating hazardous waste.

Ways to Minimize the Impact of an Episodic Event (Continued).



- Spread generation of waste out over time.
- Ship on the date of generation.
 - Example: pump directly from process tank to waiting tank truck.
 - No tank or container requirements, inspection requirements. Minimal personnel training. Very simple contingency plan (LQGs only).
- Next best thing: store in containers and ship within 3 days of generation
 - Containers subject only to satellite accumulation rules.
 - Not subject to SQG/LQG container storage requirements.
- Use portable storage devices that can be easily “closed.”

Ways to Minimize the Impact of an Episodic Event (Continued).



- Take advantage of Universal Waste Rule.
 - Not counted when determining generator status.
 - Pesticides, fluorescent lamps, mercury-containing equipment, used electronics.
- If episodic event is CESQG, see if you can take the waste to a local Household Hazardous Waste Collection center or one-day event that accepts small business waste.
 - Save on transportation charges.
 - Pay a pro-rated disposal fee.
 - Requires contacting the operator of the collection in advance and filling out documentation for the waste.
 - More info on DEP HHW web page:
www.ct.gov/dep/cwp/view.asp?a=2718&q=325444&depNav_GID=1967

Questions?

